

Notice of Allowability

Application No.	Applicant(s)	
10/736,870	FREEMAN, THOMAS JOHN	
Examiner	Art Unit	
Shawn M. Braden	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the telephone interview on 07/19/2006.
2. The allowed claim(s) is/are 2.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20060614.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____. | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tom Freeman on 07/19/2006.

The application has been amended as follows:

The Abstract of the invention has been replaced with the following:

An insulated drinking utensil that extends to contain more liquid and enhance logo/decorative display including an outer casing, inner casing(s), a lid if desired, a handle if desired, and sealing gasket if desired. The extendable drinking container transforms from a normal drinking utensil into a larger drinking utensil capable of holding more and displaying more. This container allows individuals the convenience of turning their everyday mug into a larger container or pitcher. This container allows individuals to show off their favorite team in a new and revolutionary way. This container allows retailers to offer something completely unique to their customers while also conserving precious shelf space normally used for containers with similar storage capacity. This container also allows the end user the luxury of storing a container with a large holding capacity into a small storage area.

Applicant's original claim 1, has been canceled in favor of the following claim, drafted by the Examiner and consider to distinguish patentably over the art of record in this application.

What is claimed is:

2. A drinking utensil with a two size adjustable liquid capacity comprising:
 - an outer casing with a closed round insulated bottom, said bottom includes grooves for improved grip, said outer casing being cylindrical in shape, with an annular open top, and including at least one vertical groove along an inside surface of said outer casing,
 - an inner casing, having a generally straight sidewall, being cylindrical in shape with an open top and an open bottom with a slot adjacent the open bottom, said slot receiving said at least one vertical groove enabling the inner casing to vertically slide up and attach into an extended position and also slide down and attach within the outer casing into a collapsed position, and screw receptors located at the top and bottom of said outer casing with a corresponding component located at the bottom of said inner casing, creating a fluid tight seal between the inner and outer casing when said inner casing is in its extended position, said inner casing also includes a lid, said bottom of said outside casing being thicker than any other wall of the drinking utensil.

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In fig. 1&5 elements (37) have been changed to element (20). In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

smb



JES F. PASCUA
PRIMARY EXAMINER